



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 8, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, McKillop, Bogue, Peixoto, Zermefio
CHAIRPERSON: Thnay
Absent: COMMISSIONER: None

Staff Members Present: Conneely, Patenaude, Pearson, Lens

General Public Present: Approximately 15

PUBLIC COMMENTS

Henry Villalobos, President and CEO of Aztecs of North California, Inc., addressed the Commission regarding the diversity in Hayward and spoke in favor of having an International Community Center that would contribute to the City.

PUBLIC HEARINGS

1. Zone Change No. PL -2004-0418 & Vesting Tentative Tract Map 7554/PL-2004-0417 – Arlene Utal for Chabot Estate Homes (Applicant) / Greg Silva (Owner) – Request to Change the Zoning From a Single Family Residential District to a Planned Development District and Subdivide 2 Acres to Build 11 New Homes and Renovate an Historic Home

Staff report submitted by Associate Planner Pearson, dated September 8, 2005, was filed.

Associate Planner Pearson indicating that as directed by the Commission on May 12, staff conducted further review of the proposed project and then presented the new findings as mentioned in the staff report.

Chair Thnay opened the public hearing at 7:45 p.m.

Arlene Utal, Chabot Estate Homes applicant, presented revisions to the proposed project as requested by the Commissioners. First, in regards to the revision of the sound analysis, she stated that the 1 decibel (dB) increase is not significant and she agreed to notice all the deeds regarding sound levels that exceed City standards. In regards to trees #18, #19, and #20, she mentioned that the arborist is recommending to preserve trees #18 and #20 and to attempt to preserve tree #19 depending on how it does with time. As far as the driveway and turn around, she presented a new

proposed tandem parking which slightly changed the configuration of the driveway in order to improve the turnaround. As far as the grassy swale issue, she said that it has been resolved with the CDS mechanical unit, and that it would be the responsibility of the Homeowners Association to maintain it. In regards to the square footage of the lots and the backyards not meeting the standards, she said that they are taking one lot to preserve the historic house and therefore believes that the backyards are adequate. Ms. Utal kindly asked for support for the project.

In response to Commissioner Sacks regarding an example of a car size for lot 1, Richard Cruzen, responded that the size is equivalent to a large car.

In response to Commissioner Lavelle inquiry about neighbors' interaction, Ms. Utal responded that the neighbors are agreeable to the proposed project.

Michael Toy, sound consultant, expressed disagreement with the staff survey of the twenty cities. In response to Commissioner McKillop, Mr. Toy indicated that this development would mitigate the sound levels that existing neighbors are currently experiencing.

Mark Armstrong, Land Use Attorney, referring to the proposed Mitigated Negative Declaration, findings 10 and 12, mentioned that the proposed project is not inconsistent with the General Plan.

Assistant City Attorney Conneely stated that generally CEQA guidelines measure the project's environmental impact. She indicated that this project is not causing the noise, but that noise already exists and the Mitigated Negative Declaration is recognizing that the project's impact does not include the noise levels that presently exist in the property.

Principal Planner Patenaude mentioned that the stated decibel of 55 is a policy of the General Plan adopted by Council.

Gilbert De La Rocha, Adrian Avenue resident, expressed opposition to building homes that do not have sidewalks. He expressed concern for lack of safe walkways with one entry and exit point that the proposed project will represent on the prospective residents.

Chair Thnay closed the public hearing at 8:12 p.m.

In regards to Commissioner Lavelle's question, Associate Planner Pearson responded that upon review of the project, the Fire Department had no safety concerns for this project and mentioned that there are several neighborhoods with more than 12 homes that are being accessed by one entry and exit point.

Commissioner Lavelle commended the developer for moving forward with the specific concerns that the Commission raised at the meeting in May and added that the developer met the requirements. Commissioner Lavelle made a motion to approve the project subject to the conditions of approval presented in the report.

Commissioner Zermeño seconded the motion indicating that his concerns were addressed in the conditions of approval and spoke favorably about the preservation of the historic house.



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Commissioner McKillop supported the motion and mentioned that the applicant went beyond addressing the issues requested at the last Commission meeting and spoke favorably about preserving the trees and historic house.

Commissioner Bogue asked for a friendly amendment to insure that the condition as stated in the Mitigated Negative Declaration remains, which states that the carriage house be relocated to the same lot as the historic house and converted to a two-car garage. The amendment was accepted by Commissioners Lavelle and Zermeño.

Commissioner Sacks supported the motion. She expressed that although the project presented concerns, the applicant went beyond the requirement to try to mitigate potential problems. She commended Mr. Rocha's comment regarding safety and the need to consider the people that are going to live there. She commended staff and the developer for the work done.

Commissioner Peixoto commended the developer for addressing the issues of concerns and mostly for the interaction with the neighbors and the sensitivity to the community.

Commissioner Thnay supported the motion and thanked staff and the developer for a comprehensive report.

Assistant City Attorney Conneely clarified that even though staff recommended denial of the project, the report included findings and conditions of approval, and that the motion would be subject to them.

Commissioner Lavelle moved, seconded by Commissioner Zermeño, and approved to adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and approve the zone change and the preliminary development plan; and approve the Vesting Tentative Tract Map application.

AYES: COMMISSIONERS Lavelle, Sacks, McKillop,
Peixoto, Zermeño
CHAIR Thnay
NOES: COMMISSIONER Bogue
COMMISSIONER None
ABSTAIN: COMMISSIONER None

2. Text Amendment Application No. PL-2004-0632 – Joseph Bradford for The Olson Company (Applicant) – Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences Citywide

Staff report submitted by Principal Planner Patenaude, dated September 8, 2005, was filed.

Principal Planner Patenaude indicated that the item was continued from a meeting on June 9 at a request of the Commissioners for additional study. Principal Planner Patenaude added that he visited some of the projects mentioned in the report and that from interaction with downtown residents he did not get a negative response, but learned that tandem parking is an issue of choice. Principal Planner Patenaude presented the report and answered questions from the Commissioners.

In response to Commissioner Zermefio's comment to increase the percentage of residences that provide tandem spaces, Principal Planner Patenaude mentioned that staff is reviewing applications to implement the Cannery Plan and there are portions of that plan that already comply with the 35% regulation, but there are other areas that need up to 50%. The Planning Commission will be reviewing those projects, he added.

There was discussion and clarification regarding tandem parking.

Chair Thnay opened the public hearing at 8:53 p.m.

Mr. Phil Kerr, representing the Olson Company, spoke in favor of the proposed text amendment.

Mr. Brian Stanke, spoke in favor of the proposed text amendment. He asked for more flexibility and to consider higher than 35%.

Mr. Charles McKeag, with Citation Homes, reiterated his support for the proposed text amendment and commended Principal Planner Patenaude on the research.

Mr. Joseph Felson, with Felson Company in Hayward, thanked staff for the accommodation and for reaching consensus. He also mentioned that his Diamond Crossing project is an essentially tandem parking situation that seems to work fine. He urged for the Commission's support.

Chair Thnay closed the public hearing at 9:05 p.m.

Commission Sacks moved the staff recommendation. It was seconded by Commissioner Zermefio.

Commissioner Sacks indicated that the 35% might increase in the future.

Commissioner McKillop entertained a friendly amendment to increase the percentage to 50%.

Commissioners Sacks and Zermefio accepted the amendment.

Commissioner Bogue did not support the amendment, but showed support for the present language on the proposed text amendment. He agreed with the proposed 35% and then to, upon review, proceed on a project-by-project basis.

Commissioner Peixoto expressed that tandem parking has been associated with an emphasis to meet the required density without regard to the impact and quality issues for the citizens in Hayward. He added that the use of tandem parking is not for what it was intended and that it has an element of inconvenience. He indicated that the net result is going to be more cars parked on the street. He also expressed that parking is an issue for Hayward residents and that tandem parking



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should be used sparingly and after careful deliberation and input from the community. He did not support the motion.

After discussion regarding the friendly amendment, Commissioner McKillop retracted her amendment. Commissioners Sacks and Zermefio concurred with the change.

Commissioner Lavelle expressed support for the text amendment as presented in the report. She commended staff for the report presented.

Commissioner Bogue supported the motion and mentioned that the text amendment provides flexibility.

Commissioner Zermefio expressed support for the motion and mentioned that tandem parking may discourage people from having two cars.

Chair Thnay commended Principal Planner Patenaude for a good report and supported the motion expressing concern for when the threshold allowing more density, be reached.

Commissioner Sacks moved, seconded by Commissioner Zermefio, and approved to recommend that the City Council adopt the Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and approve the proposed text amendment, subject to the attached findings.

AYES:	COMMISSIONERS Lavelle, Sacks, McKillop, Bogue, Zermefio CHAIR Thnay
NOES:	COMMISSIONER Peixoto
ABSENT:	COMMISSIONER None
ABSTAIN:	COMMISSIONER None

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters

Principal Planner Patenaude announced a Green Building Fair on Friday and Saturday, September 9 & 10, 2005 in San Jose. He also announced a Special Joint City Council/Planning Commission Work Session for South Hayward BART Mission Boulevard Concept Plan scheduled for Tuesday, September 13, 2005. He added that at a Council meeting on September 6, Council considered the project on Gading Road, and it was continued to a later date to consider more attention to design detail of the homes.

5. Commissioners' Announcements, Referrals

Commissioner Lavelle made announcements related to the upcoming election on November 8.

Commissioner Zermefio announced that registration forms are available at Video Z.

Principal Planner Patenaude announced that due to the holidays, the PC Meeting schedule for the months of October and November will be switched to the 1st and 3rd Thursdays.

Commissioner Zermefio mentioned a fund raiser for the Kid's Breakfast Club at Neumanali Restaurant from 11:00 a.m. to 1:00 p.m. on Sunday, September 11, 2005.

Commissioner Sacks spoke about a visit to Washington State, where she noticed that they have implemented a regulation to limit the number of cars in certain neighborhoods. She added that a new fire station has a community center for meetings and also provides as a mini museum that displays old fire equipment.

Commissioner Zermefio announced that Thursday, September 15, is the last day to attend the Street Party where people can also register to vote.

Chair Thnay thanked Principal Planner Patenaude for having the graffiti at St. Regis removed. He also reported that on the side of the Whipple Target Store, there are debris and weeds.

APPROVAL OF MINUTES

Minutes of July 28, 2005 were approved.

ADJOURNMENT

Chair Thnay gave the opportunity to Commissioner Zermefio to adjourn at 9:33 p.m. in memory of Alejandro Solorio, a 30 year-old, who came before the Commission seeking permission for a use permit for Tacos Uruapan on Huntwood Avenue and Industrial Boulevard. He died on Saturday, September 3, 2005, from a motorcycle accident when he was coming home from San Jose. In closing, Chair Thnay read a quote by Winston Churchill.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary